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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SOUTHEASTALASKA CONSERVATION COUNCIL,)
SKAGWAY MARINE ACCESS COMMISSION, LYNN)
CANAL CONSERVATION, INC, ALASKA PUBLIC)
INTEREST RESEARCH GROUP, SIERRA CLUB, and)
NATURAL RESOURCES DEFENSE COUNCIL,)

Plaintiffs,)

v.)

FEDERAL HIGHWAY ADMINISTRATION; UNITED)
STATES DEPARTMENT OF TRANSPORTATION;)CaseNo. J06-00009CV(JWS)
MARIO CINO, in her official capacity as Acting Secretary)
of Transportation; DAVID C. MILLER, in his official)
capacity as Division Administrator for the Federal Highway)
Administration; UNITED STATES FOREST SERVICE;)
UNITED STATES DEPARTMENT OF AGRICULTURE;)
MARK REY, in his official capacity as Under Secretary of)
Agriculture; and DENNIS E. BSCHOR, in his official)
capacity as Alaska Regional Forester)

INTERVENOR STATE OF ALASKA'S ANSWER TO
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

STATE INTERVENOR'S ANSWER TO COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF
SEACC, et al. v. FHWA

Page 1 of 26

Case No. J06-00009CV (JWS)

INTRODUCTION

1. The first sentence of paragraph 1 of the complaint is prefatory language and does not state any fact that is pertinent to, or an element of, a cause of action, and no response is required. The second sentence is denied.

2. Deny that the road extension will traverse Berners Bay or the Lynn Canal. Deny that the entire area has been specifically identified by Congress as deserving special protection, but admit that certain land on the east side of Berners Bay has a congressional designation. It is not clear exactly what "[t]hat area" encompasses, or what is meant by "outstanding natural resources," and therefore those allegations are denied, but admit that natural resources will be impacted by the project as discussed in the FEIS. Admit that certain old-growth forest exists, but unable to admit or deny whether such amount is "significant," and admit that many species of wildlife exist.

3. Intervenor defendant is without knowledge or information sufficient to form a belief as to the truth of how plaintiff organizations use the area. No admission or denial necessary regarding the plaintiffs' description of the types of relief sought.

JURISDICTION, RIGHT OF ACTION, VENUE

4. The allegations in paragraph 4 are conclusions of law, and the statutory citations speak for themselves.

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3 5. The allegations in paragraph 5 are conclusions of law, and the statutory
4 citation speaks for itself.

5 **PLAINTIFFS**

6 6. Intervenor defendant is without knowledge or information sufficient to
7 form a belief as to the truth regarding facts about the Southeast Alaska Conservation
8 Council.

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10 7. Intervenor defendant is without knowledge or information sufficient to
11 form a belief as to the truth regarding facts about the Skagway Marine Access
12 Commission.

13 8. Intervenor defendant is without knowledge or information sufficient to
14 form a belief as to the truth regarding facts about the Lynn Canal Conservation, Inc.

15 9. Intervenor defendant is without knowledge or information sufficient to
16 form a belief as to the truth regarding facts about the Alaska Public Interest Research
17 Group.

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19 10. Intervenor defendant is without knowledge or information sufficient to
20 form a belief as to the truth regarding facts about the Sierra Club.

21 11. Intervenor defendant is without knowledge or information sufficient to
22 form a belief as to the truth regarding facts about the Natural Resources Defense
23 Council.

12. Intervenor defendant is without knowledge or information sufficient to form a belief as to the truth regarding facts about plaintiff organization members' use or uses of areas subject to this lawsuit.

13. Admit that most of the plaintiff organizations participated, without admitting or denying whether such participation was "active." APIRG did not submit comments during scoping or in response to the SDEIS or FEIS. NRDC only submitted comments on the SDEIS. No comments have been received from an entity called "Skagway Marine Access Commission," although comments were received from a similar named entity, the "Skagway Marine Access Committee."

14. Intervenor defendant is without knowledge or information sufficient to form a belief as to the truth regarding the impact of defendants' actions on plaintiff organizations, on the plaintiff organizations' general activities, or on their members. Deny that defendants have violated any laws.

DEFENDANTS

15. Admit that the Federal Highway Administration is an agency of the United States Department of Transportation. The remainder of the paragraph is denied except to the extent of recognizing that safety, security and environmental impact are factors that either can, or do, play a part in most road construction or maintenance, but only in accordance with the law and facts specific to each project or road.

16. Admit.

17. Admit.

18. Admit.

19. Admit.

20. Admit.

21. Admit.

22. Admit.

FACTS

23. The first sentence is denied because Juneau has a National Highway System route within its boundaries. The remainder of the paragraph is admitted.

24. Admit sentences one through three. Deny that the Lynn Canal route is "lucrative." Intervenor defendant is without knowledge or information sufficient to form a belief as to the truth regarding a relative comparison of costs and revenues according to route.

25. Admit the first sentence except to note that the planned route terminates north of the Katzehin River delta. Admit that passengers would board the proposed shuttle ferries, but deny to the extent the sentence ignores the proposed vehicular use of the shuttle ferries. Admit daily proposed shuttle ferry departures, but deny that the departures are limited to between 8 am and 8 pm.

26. Admit first two sentences. The final three sentences are denied because state funding is projected only.

27. Deny.

28. Admit except to the extent that the paragraph implies that travel will be stopped for more than thirty days per year.

Recreation and Wildlife Values

29. Admit that most of the road will be through an inventoried roadless area, but note that approximately eight miles of the road will be over private land. Admit that the inventoried road area is generally unmodified and natural. Admit that scoring under the United State Forest Service Wilderness Attribute Rating System is high, but otherwise deny the allegations in the final sentence.

30. Admit, except that intervenor defendant is without knowledge or information sufficient to form a belief as to the truth regarding whether the habitat is "important" for "hundreds" of species and, if so, in what respects.

31. Admit.

32. Intervenor defendant is without knowledge or information sufficient to form a belief as to the truth regarding whether tens of millions of eulachon gather every spring and make a spawning run, or as to the scope or specific species intended by the "abundant array of wildlife" reference. Admit the final sentence.

33. Admit the first and second sentences. Deny that the specific Berners Bay area has been designated a Scenic Byway because the designation belongs to the entire Alaska Marine Highway System corridor, and Berners Bay is not a part of that corridor.

34. Admit. Intervenor defendant is without knowledge or information sufficient to form a belief as to the truth regarding the number of acres designating the Berners Bay LUD II area.

35. Deny that Berners Bay and Lynn Canal are easily accessible from Juneau, Haines and Skagway. Admit sentences two and three, however without admitting either the precise level of use, or whether the use is "extensive," or whether the area is uniformly "treasured."

36. Admit that the area would be changed, but deny a "dramatic" change. Deny the second sentence because it fails to distinguish between forest habitat and terrestrial habitat. Deny the third sentence, except to the extent of an impact upon apparent naturalness.

37. This paragraph purports to characterize the project as described in the FEIS and ROD. These documents speak for themselves, and are the best evidence of the contents. Any allegations contrary to the plain language of the FEIS or ROD are denied.

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3 **The Planning Process**

4 38. Admit that improving access to Juneau has been debated and has proven
5 contentious. Deny that a majority of residents in the three communities most affected
6 do not support it.

7 39. Admit that of 11,799 votes cast in Juneau during the year 2000, 5,840
8 residents indicated a preference for ferry service and 5,761 preferred a road. The
9 second and third sentences are admitted.
10

11 40. Admit.

12 41. Admit, except to note that the new terminal under Alternative 4, Options
13 B and D, would be at Sawmill Cove, not Sawmill Creek.

14 42. Deny.

15 43. Admit that Governor Murkowski took office in 2002. Work on the EIS
16 was ordered completed, not reinitiated. The last sentence is denied.
17

18 44. Admit that in January, 2005, the DOT and FHWA issued a Supplemental
19 Draft Environmental Impact Statement (SDEIS), and that Alternative 2 was identified as
20 the preferred alternative. Admit that four alternatives with a highway on the east side of
21 Lynn Canal, a west-side of Lynn Canal, and four marine alternatives were evaluated,
22 but deny evaluation of anything called "all marine" options in the SDEIS. Deny that the
23 No Action Alternative did not contemplate use of existing assets more effectively. The
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3 SDEIS specifically stated that No Action language was used instead of No Build to
4 reflect that "AMHS has and would continue to implement new actions in the Lynn
5 Canal corridor," but would not encompass actions contained in the build alternatives.

6 45. Admit the first and second sentences. The last two sentences are denied
7 because Alternative 2B extends north of the Katzehin River delta, and vehicles as well
8 as passengers would be allowed to board ferries.

9
10 46. Denied to the extent that "options" means something different from
11 Alternatives. Admit that Alternatives 2, 2A and 2C were determined not reasonable.
12 Deny that any element of the Klondike National Historical Park was within the Area of
13 Potential Effect (APE) of the alternatives. Admit the final sentence.

14 47. Admit that on January 18, 2006, DOT&PF and the FHWA issued the
15 Final Environmental Impact Statement (FEIS). Deny the second sentence because
16 seven alternatives were analyzed. Deny the third sentence because the No Action
17 Alternative is not a mere continuation of current ferry service, and the FEIS describes
18 No Action as "including" a continuation of mainline service but with the projection that
19 AMHS would be implementing reduced mainline service from Juneau, and adding
20 shuttle service between Haines and Skagway. Admit Alternative 3 requires construction
21 of a highway on the west side of Lynn Canal, and that the alternative was deemed
22 unreasonable in the 1997 DEIS. (DEIS at 3-1 through 3-4.) Deny that four "marine"
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options exist. Four marine alternatives exist (4A, 4B, 4C, 4D). Two of the marine alternatives would end in Sawmill Cove, not Sawmill Creek. The general descriptions of the marine alternatives are admitted.

48. Admit the first sentence. Deny that the No Action Alternative in the FEIS reflects a continuation of current service. The No Action Alternative included changes in service that occurred during the preparation of the SDEIS and included projections of future AMHS service changes.

49. Deny that using existing Alaska Marine Highway System assets to optimize service in Lynn Canal was raised as an alternative in comments to the SDEIS, or that DOT and the FHWA refused to consider alternatives presented. Admit that the issue was raised in response to comments to the FEIS, but note that the issue was addressed in an addendum to the Record of Decision.

50. Admit the total number of comments, but deny that twenty-six comments accurately gauges road support since, among other reasons, Alternative 2B was just one of several road alternatives.

51. Admit.

52. Admit the first sentence. The second sentence is denied because the FHWA authorized the expenditure of funds in August, 1994, for preparing an

environmental document. The April, 2006, authorization was to complete plans, specifications and estimates (PS&E) as well as to appraise and acquire right-of-way.

53. Admit the first sentence. Deny that all permits need to be issued before construction can begin as FHWA stated that construction could begin in Zones 1 and 3 (Echo Cove to Antler River, and Lace River to Sweeney Creek, could begin as soon as permits for those areas were issued) before all permits are received Zone 2.

54. Admit, but at the time of filing this Answer the bid opening date has been changed to October 31, 2006.

Old-Growth Habitat

55. Intervenor defendant is without knowledge or information sufficient to form a belief as to the truth regarding the allegations in paragraph 55.

56. Sentences one, three and four discuss requirements of the National Forest Management Act and the Tongass Land Management Plan. These documents and legal provisions speak for themselves, and intervenor defendant denies any allegations, characterizations or conclusions that differ from the documents or legal provisions. Unable to admit or deny when the Tongass Land Management Plan was implemented, but admit that plan was approved in 1997.

57. Intervenor defendant is without knowledge or information sufficient to form a belief as to the truth regarding whether the primary wildlife conservation

strategy implemented by the Forest Service in TLMP is a system of reserves protecting a limited amount of old-growth habitat throughout the forest.

58. Paragraph 58 discussed provisions of the Tongass Land Management Plan. The provisions contained therein, including Land Use Designations, speak for themselves, and intervenor defendant denies any allegations, characterizations or conclusions that differ from the TLMP. Admit generally that the TLMP contains Land Use Designations which guides natural resource decision making by establishing management standards and guidelines for a variety of activities, including a designation called "Old-Growth Habitat."

59. Paragraph 59 discussed Old-Growth Habitat LUD provisions of the Tongass Land Management Plan. The Land Use Designation OG, Old-Growth Habitat, provisions of the TLMP speak for themselves, and intervenor defendant denies any allegations, characterizations or conclusions that differ from the TLMP. Deny that road construction is barred in the Old-Growth Habitat LUD or is necessarily inconsistent with Old-Growth Habitat goals.

60. Paragraph 60 discussed Transportation and Utility Systems LUD provisions of the Tongass Land Management Plan, and the interaction of that LUD with other LUDs. Intervenor defendant admits that a Land Use Designation called "Transportation and Utility Systems" exist within the TLMP, and that the TLMP

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3 identifies several Transportation and Utility System corridors. The Land Use
4 Designation TUS, Transportation and Utility Systems, provisions of the TLMP speak
5 for themselves, and intervenor defendant denies any allegations, characterizations or
6 conclusions that differ from the TLMP as applied to the LUD TUS, or its interaction
7 with other LUDs.

8
9 61. Admit that the proposed highway route will cross old-growth reserve
10 areas, but deny that construction will result in a violation of the TLMP either as to old-
11 growth reserves or to Old-Growth Habitat LUDs.

12 62. Paragraph 62 alleges when and under what circumstances construction
13 through an Old Growth Habitat LUD area may occur under the Tongass Land
14 Management Plan. The provisions of the TLMP speak for themselves, and intervenor
15 defendant denies any allegations, characterizations or conclusions that differ from the
16 TLMP.

17
18 63. Paragraph 63 describes the content of a letter dated May 4, 2006, written
19 by the FHWA and submitted to the USDA Forest Service pursuant to 23 U.S.C. 317.
20 The letter dated May 4, 2006, is the best evidence of its contents. Allegations contrary
21 to the plain language of the letter are denied.

22 64. Paragraph 64 describes the contents of a letter dated May 22, 2006,
23 written by the USDA Forest Service and submitted to the FHWA. The letter dated May
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22, 2006, is the best evidence of its contents. Allegations contrary to the plain language of the letter are denied.

65. Intervenor defendant is without knowledge or information sufficient to form a belief as to the truth regarding the specific Forest Service evaluation process or conclusions regarding feasible alternatives to the proposed road.

Stellar Sea Lions

66. Admit.

67. Sentences 1, 2, 4 and 5 purport to characterize critical habitat identified in 50 C.F.R. 226.202 for Stellar sea lions. The provisions of 50 C.F.R. 226.202 speak for themselves and are the best evidence of their content. Intervenor defendant denies any allegations, characterizations or conclusions that differ from the regulation. Admit that two haulouts exist in the vicinity of the project, but deny the remaining allegations of the third sentence.

68. The allegations in paragraph 68 purport to characterize project specific details which are documented in the FEIS and ROD. Any allegations contrary to the plain language of those documents are denied.

69. Admit a potential effect, except that the sentence is denied to the extent that it implies any adverse effects are likely from noise or human access from construction, operation, and maintenance of the proposed highway.

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3 70. Deny the first sentence because defendants have determined the project is
4 not likely to adversely affect Steller sea lions. The second sentence cannot be admitted
5 or denied because it is not clear what "human activity" is being referenced.

6 71. The allegations in paragraph 71 purport to characterize the Revised
7 Biological Assessment and letter of concurrence (NMFS September 27, 2005, letter).
8 These documents speak for themselves. Any allegations contrary to the plain language
9 of those documents are denied.
10

11 72. In response to allegations in the first sentence, admit only that
12 construction plans have not been developed or submitted to NMFS, and deny all
13 remaining allegations of the first sentence. Deny the second sentence both because it is
14 vague in not defining what a "full assessment" is, and because the National Marine
15 Fisheries Service concluded based on existing mitigation measures, including review of
16 construction plans, that the proposed action is not likely to adversely affect Stellar sea
17 lions. The allegations in paragraph 72 of the Complaint appear to be derived from the
18 September 27, 2005, NMFS letter. The provisions of the NMFS September 27, 2005,
19 letter speak for themselves, and intervenor defendant denies any allegations,
20 characterizations or conclusions that differ from the letter.
21

22 73. Deny.
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3 74. The first sentence is an analysis of ESA requirements. The provisions of
4 the ESA or associated regulations speak for themselves, and intervenor defendant denies
5 any allegations, characterizations or conclusions that differ from the requirements of the
6 ESA or associated regulations. Admit second and third sentences. Admit that a
7 Revised Biological Assessment was prepared which concluded that the project was not
8 likely to adversely affect Steller sea lions and would not adversely modify the Gran
9 Point critical habitat. The remainder of the last sentence is denied.
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11 75. Admit that concurrence in the Revised Biological Assessment
12 determination was sought by DOT and the FHWA, but otherwise deny the first
13 sentence. As to the remaining allegations, the NMFS September 27, 2005, letter speaks
14 for itself, and intervenor defendant denies any allegations, characterizations or
15 conclusions that differ from the letter.
16

17 76. Admit that additional mitigation measures broadened the monitoring
18 program, but deny the remainder of paragraph 76. To the extent paragraph 76 of the
19 Complaint relies on the NMFS September 27, 2005, letter, the provisions of the NMFS
20 September 27, 2005, letter speak for themselves, and intervenor defendant denies any
21 allegations, characterizations or conclusions that differ from the letter.
22

23 77. Admit that additional mitigation measures were accepted, and deny that
24 boat access measures were rejected. Admit that one of the additional mitigation
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measures requested by NMFS was "[n]o boat launches or structures that enhance boat access will be constructed by DOT&PF as part of the East Lynn Canal Highway," but deny remainder of the second sentence. Admit that DNR has authority to grant permits or easements for use of tidelands in the state instead of DOT. The last sentence is denied.

78. Deny the first sentence. Admit that NMFS will conduct a limited review of final plans in accordance with the mitigation measures, but deny to the extent the allegation implies that NMFS has blanket approval authority over final plans for construction. Deny that the mitigation measures preclude construction within 3,000 feet of the Gran Point haulout when sea lions are present. To the extent this paragraph of the Complaint relies on the NMFS September 27, 2005, letter, the provisions of the NMFS September 27, 2005, letter speak for themselves, and intervenor defendant denies any allegations, characterizations or conclusions that differ from the letter.

79. Deny.

80. It is not clear what "strict limits or prohibitions" means, and therefore intervenor defendant denies the first sentence. A mitigation measure may act as a prohibition, or strict prohibition, for example. Admit that portions of mitigation measures numbered 1 and 4 from NMFS September 27, 2005, letter were properly quoted. To the extent this paragraph of the Complaint relies on the NMFS September

27, 2005, letter, the provisions of the letter speak for themselves, and intervenor defendant denies any allegations, characterizations or conclusions that differ from the letter.

81. Deny the first sentence. Deny that the chosen measures are inadequate or impractical. Intervenor defendant is without knowledge or information sufficient to form a belief as to the truth regarding whether the measures "might" ultimately prove ineffective, or whether circumstances "may" make the measures impractical, and therefore deny the allegations.

82. Deny first sentence. Admit the remaining sentences except to deny any errors in data resulting from daily monitoring.

83. Deny.

84. Admit that a sixty-day letter was submitted as provided in this paragraph, but deny that all plaintiff organizations signed the letter.

Bald Eagles

85. The allegations of paragraph 85 purport to characterize the content of the FEIS. The FEIS speaks for itself, and is the best evidence of its content. Any allegations contrary to the plain language of the FEIS is denied.

86. Admit first sentence. Admit that persistent noise may cause individual eagles to abandon a nest, but otherwise deny the second sentence.

87. Admit the first sentence and deny the second sentence. The FEIS only concludes that individual eagle pairs may relocate.

88. Admit the first two sentences, and deny the final sentence.

89. In response to the allegations of paragraph 89, intervenor defendant admits and avers that no statute or regulatory requirement exists for obtaining a permit or other approval for the "taking" of bald eagles associated with a proposed highway project.

Traffic Demand

90. The allegations in sentences 1, 3 and 4 are denied. Admit that an Appendix C exists called the "Traffic Forecast Report," and was prepared for DOT&PF and the FHWA by the McDowell Group with assistance from Kittelson & Associates.

91. Sentences 1, 2, 3, 5 and 6 are denied. The allegations contained in the fourth sentence are admitted.

92. Admit first sentence. Deny the remaining sentences.

93. Deny.

94. Deny.

95. Admit that the EIS includes a calculation of net present value for each reasonable build alternative, but deny remainder of sentence one. Admit that the net present value calculation is used to compare one calculation of relative costs and

benefits of alternatives, but deny remainder of sentence two. Admit generally the statements in sentences three, four, five and six, but deny that No Action Alternative had a net present value assigned.

96. Deny the first sentence. Deny that evidence was presented to the FHWA and DOT in response to the SDEIS. Admit that comments were submitted in response to the FEIS regarding frequency delays, but deny the remainder of the sentence. The final sentence is denied because the ROD addressed the comments.

COUNT I

Failure to Comply with Tongass Land Management Plan

(National Forest Management Act)

97. This paragraph does not call for an admission or denial.

98. The provisions of the National Forest Management Act (NFMA) speak for themselves, and intervenor defendant denies any allegations, characterizations or conclusions that differ from the NFMA.

99. The Tongass Land Management Plan speaks for itself, and intervenor defendant denies any allegations, characterizations or conclusions that differ from the TLMP.

100. Intervenor, State of Alaska, lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations and, therefore, denies the same.

101. Intervenor, State of Alaska, lacks sufficient knowledge or information to form a belief as to the truth of the allegation and, therefore, denies the same.

Count II

Bald Eagles

102. This paragraph does not call for an admission or denial.

103. The Bald Eagle Protection Act speaks for itself, and intervenor defendant denies any allegations, characterizations or conclusions that differ from the Bald Eagle Protection Act.

104. Deny.

105. Deny.

Count III

Failure to Consider Reasonable Alternatives

(National Environmental Policy Act)

106. This paragraph does not call for an admission or denial.

107. The National Environmental Policy Act (NEPA) speaks for itself, and intervenor defendant denies any allegations, characterizations or conclusions that differ from NEPA.

108. The National Environmental Policy Act (NEPA) speaks for itself, and intervenor defendant denies any allegations, characterizations or conclusions that differ from NEPA.

109. The National Environmental Policy Act (NEPA) speaks for itself, and intervenor defendant denies any allegations, characterizations or conclusions that differ from NEPA. The second sentence is denied.

110. The Title 23, Code of Federal Regulation provisions speak for themselves, intervenor defendant denies any allegations, characterizations or conclusions that differ from the Title 23, Code of Federal Regulations.

111. Deny.

112. Deny.

COUNT IV

Misleading Traffic Demand Forecast

(Department of Transportation Act, Administrative Procedure Act,
National Environmental Policy Act)

113. This paragraph does not call for an admission or denial.

114. The provisions of 23 U.S.C. §§ 106, 109 speak for themselves, and intervenor defendant denies any allegations, characterizations or conclusions that differ from 23 U.S.C. §§ 106, 109.

115. Deny.

116. Deny.

117. Deny.

118. Deny the first sentence. The provisions of 40 C.F.R. §§ 1502, 1503 speak for themselves, and intervenor defendant denies any allegations, characterizations or conclusions that differ from those federal code provisions.

119. Deny.

COUNT V

Failure to Initiate Formal Consultation for Steller Sea Lions

(Endangered Species Act, Administrative Procedure Act)

120. This paragraph does not call for an admission or denial.

121. The ESA speaks for itself, and intervenor defendant denies any allegations, characterizations or conclusions that differ from the ESA.

122. Deny.

123. Admit.

124. Admit that the FHWA agreed to implement a series of mitigation measures. Deny the remainder of paragraph 124.

125. Deny.

PRAYER FOR RELIEF

WHEREFORE, the intervenor State of Alaska respectfully requests the following relief:

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3 1. That the Complaint for Declaratory and Injunctive Relief be dismissed
4 and judgment be entered in favor of defendants;

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6 2. Award the State of Alaska the costs of this action, including reasonable
7 attorneys' fees; and

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9 3. Grant such other relief as this Court deems just and proper.

10 RESPECTFULLY SUBMITTED this 19th day of October, 2006.

11 DAVID W. MÁRQUEZ
12 ATTORNEY GENERAL

13 

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CERTIFICATE OF SERVICE

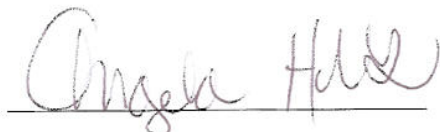
I, Angela Hobbs, certify that on October 19, 2006, a copy of the foregoing document, was served via e-mail and regular mail to Michael C. LeVine. Courtesy copies were also sent via e-mail and regular mail to United States Attorney Nelson P. Cohen and United States Department of Justice Attorney Dean Dunsmore, and via e-mail to United States Department of Justice Attorney Coby Howell.

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